



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, October 17, 2017
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Tom Fabiano
Kim Johnsen
Dan Roszkowski
Jennifer Smith
Craig Sockwell

Absent:

Alicia Neubauer

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Matthew Flores - Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Kelly Nokes - Deputy Operations Manager, Public Works
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others:

Kathy Berg - Court Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 23, 2017, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas.

The meeting was called to order at 7:50 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the September, 2017 meeting. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0 with Tom Fabiano abstaining and Alicia Neubauer absent.

017-LTAB-015

Applicant
Ward 13

922 Kilburn Avenue

A. T. Elwan / Almart Inc. dba Almart

Sale of Tobacco Products in conjunction with a grocery store in a C-3,
General Commercial Zoning District
Referred back from Committee

This item was before the Liquor & Tobacco Advisory Board in June, 2017 and was approved subject to (16) conditions. Staff Recommendation was also for Approval. The application was referred back to the Board from the Codes & Regulations Committee. Attorney Tom Green, and Dustin Olson representing the Applicant were present. The Applicant was not present. Attorney Green reviewed the request. He stated there was a miscommunication with the manager of the store and they received a violation for selling tobacco without a license. He stated Mr. Elwan has operated this store for 25 years. There is currently a court hearing pending with the City, and he is hopeful all issues will be resolved shortly.

Attorney Vaughn stated Staff wished to add an additional two conditions, read those conditions to Attorney Green and asked if the Applicant was in agreement. Attorney Green stated he is.

Staff Recommendation was for approval with (18) conditions, including the addition of Numbers 17 and 18. Objectors or Interested Parties were present.

Alderman McNeely spoke in favor of the request, stating she believes Mr. Elwan will work with Staff to bring this business into compliance.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of A. T. Elwan / Almart Inc. dba Almart in a C-3, General Commercial Zoning District at 922 Kilburn Avenue, with the addition of conditions #17 and #18. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior floor plan that was submitted Exhibit D.

4. Submittal of a detailed site plan to include improvements to the parking lot and striping of parking spaces.
5. Submittal of a landscape plan to include perimeter landscaping along Kilburn Avenue and School Street and plant species for Staff review and approval.
6. Submittal of a Permanent Sign application and rendering of new landmark-style free-standing sign.
7. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
8. The hours of operation and days will be 9:00 AM to 10:00 PM Monday through Thursday.
9. The hours of operation and days will be 9:00 AM to 11:00 PM Friday and Saturday.
10. The hours of operation and days will be 11:00 AM to 9:00 PM Sunday.
11. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
12. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
13. Window display signage is limited to 20% of window area.
14. That there shall not be temporary exterior signage.
15. That the windows shall not be covered with bars or other devices that block the windows.
16. All conditions must be met prior to establishment of use.
17. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
18. All outstanding general ordinance fines must be paid prior to the issuance of the license.

017-LTAB-026

43XX, 43XX, 4307, 4311, 4315, 4317, 44XX & 4417 Auburn Street

Applicant
Ward 07

Dustin Olson / Retail Logic, Inc. dba Petro Max

Sale of packaged liquor in conjunction with a gas station and convenience store

Sale of tobacco products in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

Referred back from Committee

This item was before the Liquor & Tobacco Advisory Board in August, 2017 and was approved subject to (18) conditions. Staff Recommendation was also for Approval. The application was referred back to the Board from Codes & Regulations Committee. Attorney Thomas Green and Dustin Olson, Applicant were present. Attorney Green stated that the Applicant is in violation of selling tobacco without a license.

Attorney Vaughn stated Staff wished to add an additional two conditions, read those conditions to Attorney Green and asked if Mr. Olson if he was in agreement. Mr. Olson stated he was.

Staff Recommendation was for approval with (20) conditions, including the addition of Numbers 19 and 20. Objectors or Interested Parties were present.

This property is in Alderman Thompson-Kelly's Ward. Alderman McNeely stated she had spoken to Alderman Thompson-Kelly and stated they have both been working with the business owner to correct the violations. She expressed that the business owner has been fined for violations and he has come to realize that the City is serious about him maintaining the regulations of the City.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of packaged liquor in conjunction with a gas station and convenience store and to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Dustin Olson / Retail Logic Inc. dba Petro Max in a C-3 General Commercial Zoning District at 43XX, 43XX, 4307, 4311, 4315, 4317, 44XX & 4417 Auburn Street with the addition of Conditions (19) and (20). The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of a detail site plan and landscaping plan for Staff's review and approval.
4. Submittal of a fence permit for Staff's review and approval.
5. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
6. The sale of packaged liquor and the sale of tobacco products shall be limited to the submitted plan Exhibit E.
7. The sale of packaged liquor will be from 6:00 AM to 2:00 AM Monday through Saturday.
8. The sale of packaged liquor will be from 9:00 AM to Midnight on Sunday.
9. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
11. Window display signage is limited to 20% of window area.
12. There shall not be temporary exterior signage.
13. The windows shall not be covered with bars or other devices that block the windows.
14. Window display signage is limited to 20% of window area.
15. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance, replacing the existing freestanding sign by April 1, 2018.
16. Must obtain sign permit for new landmark-style free-standing sign.
17. Submit a property combination form for Staff's approval to combine the seven (7) parcels into one (1) parcel.
18. All conditions must be met prior to establishment of use.
19. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
20. All outstanding general ordinance fines must be paid prior to the issuance of the license.

017-LTAB-033

Applicant
Ward 06

53 Airport Drive

Madhusudan G. Patel / YMA Inc. dba Airport Shell
Sale of tobacco products in conjunction with a gas station and convenience store in an I-2, General Industrial Zoning District

The subject property is located on the north side of Airport Drive, 3,100 feet east of the Airport Drive and Beltline Road intersection. Attorney Aaron Szeto, and Madhusudan Patel, Applicant, were present. Attorney Szeto briefly reviewed the request for tobacco sales.

Attorney Vaughn asked the Applicant if he had reviewed Staff's (20) conditions and agreed to abide by those conditions. The Applicant had concerns with Conditions (4), (5), (6), (7), (8), (13), and (20). Regarding conditions (4) and (5), Attorney Szeto asked that his client have an extended time frame to July, 2018 to allow the asphalt or concrete paving to set properly due to this time of year. Regarding Condition (6), he asked that the requirement of adding shade trees and interior landscape islands be removed. He also asked that interior landscaping be delayed until Spring of 2018. Regarding Condition

(7) for dumpster enclosure, the Applicant wishes to delay this as well. Regarding Condition (8), Attorney Szeto stated the existing sign is in good condition and he asked that the condition to remove the non-conforming free-standing sign be deleted. If this were not allowed, he then would like an extension of a year to remove the sign. Regarding Condition (13), Attorney Szeto stated the Applicant has been selling airplane sized bottles and he wishes to continue. Regarding Condition (20), stating that all conditions must be met prior to establishment of use, the Applicant would like to sell tobacco as soon as this Application is approved, since he is requesting additional time to complete the other items as mentioned above.

In response to the Applicant's request to modify or eliminate the above conditions, Scott Capovilla stated the gravel parking lot grandfather clause will be eliminated in November 2019; however, Staff is willing to work with the Applicant on this as well as the landscaping issues. A revised landscaping and parking lot plan would need to be submitted and discussed. Regarding the Applicant's request to allow him to continue to sell liquor in airplane sized bottles, this has been a condition the City has adapted for the past (4) years. He did state that Staff would not object to the removal of this condition should the Board so choose.

Staff Recommendation is for Approval with (20) conditions. Objectors and Interested Parties were present.

Alderman Linda McNeely spoke in support of the Applicant. She stated she knows him and feels Staff will have no problem in working with him towards a mutual goal.

Dan Roszkowski felt by allowing the sale of airplane sized bottles, we would be setting a precedent. Mr. Capovilla explained that from the research Staff has done, the only time this condition has been eliminated has been for Pridom Liquor within the last six months, and one grocery store. Because this property is located within an Industrial District and is near the airport, he feels allowing the sale of airplane sized bottles would not be a problem. The Board felt a two year timeframe would be reasonable for removal of the free-standing sign, and also allowing a period of twelve months to complete the parking lot.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Madhusudan G. Patel / YMA Inc., dba Airport Shell in an I-2, General Industrial Zoning District at 53 Airport Drive with amendments to conditions (4), (6), (7)(8) and (13). The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco shall be limited to the submitted plan Exhibit E.
4. Submittal of a revised site plan for the north parking lot that addresses the disrepair and gravel areas to be completed by October 15, 2018
5. Submittal of a Parking Lot Permit for the proposed improvements to the north parking lot.
6. Submittal of a revised landscape plan to include additional perimeter landscaping along airport Drive, concrete curbing around perimeter landscaping and concrete interior islands and plant species for Staff's review and approval by October 15, 2018.
7. Submittal of a Dumpster Enclosure Permit with dumpster detail and material by October 15, 2018..
8. Removal of the non-conforming free-standing sign by October 15, 2019.
9. Must obtain separate permits for signage and signage must comply with Sign Regulations.
10. Must develop site in accordance with revised site and landscaping plans approved by Staff.
11. The hours and days of operation will be from 5:00 AM to 9:00 PM, Monday through Friday.
12. The hours and days of operation will be from 7:00 AM to 7:00 PM Saturday through Sunday.

13. The sale of rose tubes, and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited The sale of water pipes and "huka" or "hookah" pipes are prohibited.
14. Window display signage is limited to 20% of window area.
15. There shall not be temporary exterior signage.
16. The windows shall not be covered with bars or other devices that block the windows.
17. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
18. All outstanding general ordinance fines must be paid prior to the issuance of the license.
19. All conditions must be met prior to establishment of use.

017-LTAB-034

Applicant
Ward 10

3714 East State Street

Mahmood Chowdhury / Bengals, Inc. dba Royal Liquor Mart
Sale of tobacco products in conjunction with a grocery and liquor store in a C-3, General Commercial Zoning District

The subject property is located on the north side of East State Street and 851.5 feet east of Fairview. Attorney George Hampilos, and Mahmood Chowdhury, Applicant, were present. Attorney Hampilos stated this business has been in operation since the 1960's. Mr. Chowdhury has been operating the business since 2001. He state the Applicant has made extensive improvements to the building.

Attorney Vaughn asked the Applicant if he had reviewed Staff's (14) conditions and agreed to abide by those conditions. Attorney stated his client is asking for a change to Condition (5) to allow the sale of airplane sized bottles; to eliminate Condition (10) stating the existing free-standing sign must be removed and replaced; and to eliminate Conditions (8) stating he must remove the non-conforming sign that projects over the roof line and to also eliminate Condition (9) stating removal of the billboard on the west side of the building. Attorney Hampilos stated they have recently made improvements to signage.

Staff Recommendation is for Approval with (14) conditions. No Objectors or Interested Parties were present.

Mr. Capovilla stated Staff would have to look into the sign situation. He is not aware of any improvements made to existing signage. He also emphasized that Staff is consistent with expecting properties to be brought up to compliance when applications come before both the Zoning Board and the Liquor & Tobacco Board.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a grocery and liquor store in the name of Mahmood Chowdhury / Bengals, Inc. dba Royal Liquor Mart in a C-3, General Commercial Zoning District at 3714 East State Street with conditions as written by Staff. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Sunday through Thursday 11:00 AM to 11:00 PM and Friday and Saturday 11:00 AM to 1:00 AM.
3. Inside signage cannot exceed more than 20% of the window surface and any temporary signs in violation must be removed
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

7. The sale of tobacco products shall be limited to the submitted interior floor plan Exhibit E.
8. Removal of the non-conforming sign "Liquors" that project over the roof line on the front of the building.
9. Removal of the billboard located on the west side of the building by June 1, 2018.
10. Removal of the existing free-standing sign and replaced with a landmark style sign by June 1, 2018.
11. Submittal of a landscaping plan for Staff review and approval.
12. Must install a dumpster enclosure.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to issuances of the license.

017-LTAB-035

Applicant
Ward 07

3814 and 3816 Auburn Street

Anila Ahmad

Sale of tobacco products in conjunction with a tobacco store in a C-2,
Limited Commercial Zoning District

The subject property is located on the southwest corner of the Auburn Street and North Central Avenue intersection. Minhaj Ahmed, husband of the Applicant, reviewed the request for tobacco license. Staff recommended Denial due to the condition of the property and the business was closed due to Violations. This was an existing tobacco store, and the Ahmeds are new tenants.

Dan Roszkowski asked Staff if they felt they could work with the Applicant to come up with a list of corrections to the property to make the property acceptable. Scott Capovilla relayed that in the past, Staff has tried to work with the landlord on this site to correct landscaping, signage, and paving, and the landlord has not been willing to comply. He also stated the Alderman of the Ward was against this application because the previous tenant has constantly violated the tobacco ordinance by selling to minors, selling singles, and they have had nothing but problems in the past. However, if the landlord, Mr. Pritz, is willing to work with Staff and the Applicant, he was agreeable to a Lay Over to allow them time to contact him for discussion.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

The owner of the property, William Pritz was present. He stated they are at the tail end of a renovation reconstruction of dumpster enclosure, they have torn out and repaved a significant amount of parking lot, and added new striping. He said the whole backside of the property is green space. There was additional greenspace that ran along Central and Auburn Streets, and the City requested an easement for redoing the water mains and dug up all the greenspace and replaced it with an extra wide sidewalk. That was not part of their agreement and he requested the City redo the greenspace and it was not done. Mr. Pritz further stated Family Dollar recently applied for a tobacco license and they were granted one. The flow of parking was set up by the Secretary of State. There is parking all along the building and along the exterior of the road so there is no space for landscaping island. He had problems with the previous tenant – he doesn't believe they ever received a tobacco license – and he refused to renew their lease. The current Applicant is willing to work with him and the City. He would very much like to see approval of this Applicant as he is a much different person than the previous tenant. Kim Johnsen stated there are still landscaping issues to resolve. Mr. Pritz felt when Staff looked at the property it was before any improvements were made and did not realize that 20% of the property was greenspace in the rear of the property. Craig Sockwell asked when Family Dollar received their tobacco license. Mr. Pritz stated with the last year or so. Scott Capovilla stated that Family Dollar has had a tobacco license for many years and they do come in for yearly renewal. Mr. Pritz stated this was contradictory to what he has been told; however Mr. Capovilla repeated that they have had one for many years, since they first came

to the center. Mr. Capovilla stated improvements need to be made to the exterior, to the parking lot, it appears 95% of the property is paved and there is virtually no green space at all on this particular lot. Craig Sockwell asked Mr. Pritz if he was willing to work with Staff to work this out and he responded "absolutely". He stated he was not in any way opposed to complying. Staff stated the landscaping strip could go down to 10' with fencing. Dan Roszkowski explained to Mr. Pritz that they would be willing to give him timeframes to get this work accomplished based on his rental income. However, he will need to sit down with Staff to see what he can get accomplished in a time frame before they come back to the Board. Scott Capovilla encouraged the Applicant to hire a landscaping architect and engineer and to come up with a landscaping and paving site plan for Staff to review prior to the next meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of tobacco products in conjunction with a tobacco store in the name of Anila Ahmad / GHouse Pak Inc. dba The Cigarette and More Store in a C-2, Limited Commercial Zoning District at 3814 and 3816 Auburn Street. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

017-LTAB-036

Applicant
Ward 05

**627, 629 Montague Street; 1236, 1240 West Street;
616-18 Hulin Street**

Maurice Martin / M & M Market and Deli Inc. dba M & M Market and Deli
Sale of tobacco products in conjunction with a deli and convenience store in a C-2, Limited Commercial Zoning District and R-1, Single-family Residential Zoning District

The subject property is located on the northeast corner of Montague Street and West Street. Maurice Martin, Applicant, was present. Mr. Martin stated they have been in business since 1998 without any incidents.

Attorney Vaughn asked the Applicant if he had reviewed Staff's (12) conditions and agreed to abide by those conditions. He responded that he is in the process of removing the pay phone within the next two weeks. He wants to eliminate condition (7) dealing with airplane sized bottles / drug paraphernalia because they are already selling these items. That is the only condition he has an issue with.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

Mr. Roszkowski pointed out that since they approved airplane sized bottle sales on a previous application this evening, two other Applicants have requested it.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of tobacco products in conjunction with a deli and convenience store in the name of Maurice Martin / M & M Market and Deli Inc. dba M & M Market and Deli in a C-2, Limited Commercial Zoning District and R-1, Single-family Residential Zoning District at 627, 629 Montague Street; 1236, 1240 West Street; 616-18 Hulin Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of tobacco products shall be limited to the submitted interior floor plan Exhibit E.

6. Hours of operation are limited to Sunday through Thursday 9:00 AM to Midnight; Friday and Saturday 9:00 AM to 2:00 AM. Food service hours are Sunday Noon to 11:00 PM; Monday through Thursday 11:00 AM to 11:00 PM; Friday and Saturday 11:00 AM to 1:00 AM.
7. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
8. The sale of water pipes and "huka" or "Hookah" pipes are prohibited.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinances fines must be paid prior to issuance of the license.
11. Completion of the parking lot to the north to meet the required parking spaces inclusive of required green areas by August 1, 2018.
12. Removal of the abandoned pay phone.

017-LTAB-037

Applicant
Ward 13

2914 West State Street

Heythem Sahori / Citgo N Go, Inc. dba Citgo N Go, Inc.

Sale of packaged liquor in conjunction with a gas station and convenience store

Sale of tobacco products in conjunction with a gas station and convenience store in an I-1, light Industrial Zoning District

The subject property is located on the southeast corner of the West State Street and Vista Terrace intersection. Applicant Heythem Sahori and his representative, Attorney Chris Humphrey, were present. Attorney Humphrey reviewed the request for packaged liquor and tobacco products. There have been 159 police calls to this property over 24 months. Attorney Humphrey explained that the majority of the calls do not have anything to do with the subject property. The Applicant has a 16 camera surveillance system including the interior and exterior of the building. Attorney Humphrey further stated that the Applicant has provided assistance to the police via their surveillance system in the past and feels that this property does not pose any threat to the community. He went on to say that there have never been any citations to selling tobacco or liquor to minors and that they have been in business since 2013 with no violations. On the business plan, the Applicant had indicated they would not hire private security licensed by the State of Illinois upon written request of the Liquor Commissioner.

Staff Recommendation is for Denial of packaged liquor sales, Approval of the sale of packaged beer and wine, and Approval of the sale of tobacco products.

Attorney Vaughn asked the Applicant if he had reviewed Staff's (15) conditions and agreed to abide by those conditions. On his application, Mr. Sahori indicated he would not hire private security if requested. However, Mr. Sahori did state at this meeting that he would hire private security if needed. He also requested that packaged liquor be allowed. Attorney Humphrey stated that there are three other service stations that do sell liquor, as well as a liquor and grocery store within less than a mile. He further stated by not allowing his client to sell packaged liquor they are at a disadvantage from a competitive point of view.

Regarding Staff Recommendation to bring signage into compliance by installing a landmark style sign, Attorney Humphrey stated there is going to be a widening of West State Street by 8 feet in the foreseeable future. His client does not wish to remove the old sign and install a new sign knowing that it may need to be moved again in the near future. He requested a delay to bring this sign into compliance and asking that this condition be removed until after the widening takes place. Attorney Vaughn asked Attorney Humphrey what the time frame was from IDOT regarding the widening of West State Street. Attorney Humphrey responded that he did not receive a time frame. Kelly Nokes from Public Works stated she believes this would be in the year 2019 range.

Craig Sockwell asked Mr. Capovilla if the Applicant would be reimbursed for the cost of the sign should it need to be moved due to the widening of West State Street. Mr. Capovilla clarified that yes, they would receive reimbursement. IDOT pays the landowner for that cost. Staff would be agreeable to working with the Applicant on this condition.

Objectors or Interested Parties were present.

Alderman Linda McNeely stated she is in support of this business. The neighboring residents did make her aware that they were not in favor of hard liquor; however, she pointed out that there is a store across the street that does sell hard liquor and she feels it is not fair to limit the Applicant's ability to compete with stores in the area. She stated the Applicant has taken steps to improve the property and she would like to see Staff's condition to remove the existing free-standing sign and replace it with a landmark-style sign be removed. She feels the Applicant will do an excellent job and she is looking forward to having this gas station / convenience store at this location.

Tom Fabiano also felt the Applicant would be at a disadvantage if he were not allowed to sell packaged liquor.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store; and to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Heythem Sahori / Citgo N Go, Inc. dba Citgo N Go, Inc. in an I-1, Light Industrial Zoning District at 2914 West State Street with modifications to Conditions 3, 4, 5, and 11. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The packaged sale of packaged liquor and the sale of tobacco products shall be limited to the submitted plan Exhibit E.
4. The sale of packaged liquor will be from 6:00 AM to 1:00 AM Monday through Saturday.
5. The sale of packaged liquor will be from 9:00 AM to 1:00 AM on Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Window display signage is limited to 20% of window area.
9. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block the windows.
11. That the existing freestanding sign shall be replaced by a landmark-style sign in accordance with the Sign Ordinance in conjunction with the widening of West State Street by IDOT.
12. Must obtain sign permit for new landmark-style free-standing sign.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license.
15. All conditions must be met prior to establishment of use.

017-LTAB-038

Applicant
Ward 10

2620 and 2622 Charles Street

A. Ronald Karau / Jakes Kodiack Service Inc. dba Charles Street Mobil
Sale of tobacco products in conjunction with a gas station and
convenience store in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of the Charles Street and Hunter Avenue intersection. Brandon Karau, representing his father, who is the Applicant, A. Ronald Karau, reviewed the request for the sale of tobacco products. He stated his father has been in business at this location for many years. They were granted a liquor license 12 years ago. They have no window signage, no sale of anything that could be manufactured into drug paraphernalia per Condition (6). They sell beer and wine only because they wish to stay competitive with the other gas stations in the area. He stated it was not their first choice to sell alcohol and tobacco, but they must do so to remain competitive.

Attorney Vaughn asked the Applicant on behalf of his father if he had reviewed Staff's (13) conditions and agreed to abide by those conditions. The Mobile Station building is physically connected to the McDonald's Fast Food Restaurant and McDonald's is the property owner. Mr. Karau stated he will have to address the landscaping issues with them (Condition (4)). He further explained that as stated in the submitted Business Plan, their Mobil is not open past Midnight. He requested condition (5) be modified to say hours of operation to be from 5:00 AM to Midnight Monday through Sunday. Mr. Capovilla stated Staff is willing to work with the Applicant and McDonalds on landscaping issues.

Staff Recommendation was for Approval with (13) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of A. Ronald Karau / Jakes Kodiack Service Inc. dba Charles Street Mobil in a C-2, Limited Commercial Zoning District at 2620 and 2622 Charles Street with a Modification to Condition #5. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco shall be limited to the submitted plan Exhibit E.
4. That the missing landscaping shall be installed and the unhealthy landscaping shall be replaced with the same variety and size and conform to Exhibit E.
5. The hours of operation will be limited to 5:00 AM to Midnight Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Window display signage is limited to 20% of window area.
9. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block the windows.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinance fines must be paid prior to the issuance of the license.
13. All conditions must be met prior to establishment of use.

017-LTAB-039

Applicant
Ward 11

2327 Kishwaukee Street

Sherry Rodgers / TNT Securities Inc. dba TNT-S
Sale of liquor by the drink in conjunction with a tavern in an I-1,
Light Industrial Zoning District

The subject property is located on the north side of Peoples Avenue just west of Kishwaukee Street. Sherry Rodgers, Applicant, and Mike Chouinard were present. Ms. Rodgers reviewed her request. She stated she was in agreement with all of Staff's conditions.

Staff Recommendation is for Approval with (13) conditions. Objectors or Interested Parties were present.

Chris Singer was present and stated he is an adjacent property owner. He stated he was not in objection to the tavern, but did want to make the owners aware that over the past year there have been occasions when the Tavern's customers are using his parking lot and he has seen them proceed to the bar. Mr. Chouinard stated they would certainly look into this so that it does not happen in the future.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink in conjunction with a tavern in the name of Sherry Rodgers / TNT Securities, Inc. dba TNT-S in an I-1, Light Industrial Zoning District at 2327 Kishwaukee Street. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a landscape plan to include perimeter landscaping along Kishwaukee Street and Peoples Avenue, interior islands open green space, a new concrete curbed island around the perimeter landscaping, and plant species for Staff review and approval.
4. Submittal of a revised site plan showing the new landscaping with striped parking spaces.
5. The hours of operation will be limited to 6:00 AM to 2:00 AM Monday through Saturday and 9:00 AM to 2:00 AM on Sunday.
6. Window display signage is limited to 20% of window area.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. The tavern shall not have a cover charge.
9. The tavern shall not have a dance floor.
10. The tavern shall not have any DJs.
11. The tavern shall not operate as a nightclub.
12. That the use shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
13. All conditions must be met prior to establishment of use.

017-LTAB-040

Applicant
Ward 06

3305 11th Street

Nilufar Kabir / TTK Corp. dba Liquor Land
Sale of tobacco products in conjunction with a liquor store in an R-1,
Single-family Zoning District

Neither Applicant nor Representative was present.

A **MOTION** was made by Jennifer Smith to **LAY OVER** the sale of tobacco products in conjunction with a liquor store in the name of Nilufar Kabir / TTK Corp. dba Liquor Land in an R-1, Single-family Zoning

District at 3305 11th Street to the November meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

017-LTAB-041

Applicant
Ward 02

1603 North Alpine Road

Baker Street Burgers, LLC dba Baker Street Burgers

Sale of liquor by the drink in conjunction with a restaurant

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located within the Edgebrook Shopping Center. Randy Baker, Applicant, briefly reviewed his application. He stated he agrees to all Staff conditions. He anticipates to be open for business in early November.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant; and to **APPROVE** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Randall Raymond Baker / Baker Street Burgers, LLC dba Baker Street Burgers in a C-3, General Commercial Zoning District at 1603 North Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building codes and Fire Codes
2. Compliance with all City of Rockford Liquor Codes.
3. Hours of operation are limited as provided on the submitted Business Plan Exhibit F, Sunday through Thursday 11:00 AM to 10:00 PM and Friday and Saturday 11:00 AM to 11:00 PM.
4. A cover charge, DJ or dance floor shall not be allowed.
5. The sale of liquor is in conjunction with a full service restaurant as defined within the liquor code.

With no further business to come before the Board, the meeting was adjourned at 10:05 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board